

APPEAL NO. 022981  
FILED JANUARY 15, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 21, 2002. The hearing officer resolved the disputed issues by deciding that on \_\_\_\_\_, the respondent (claimant) sustained a compensable injury, including compensable neck and lower back injuries, and that the appellant (employer) did not waive its right to dispute the compensability of the claimed injury. The employer appealed the hearing officer's determination that on \_\_\_\_\_, the claimant sustained a compensable injury, including compensable neck and lower back injuries. The claimant responded. There is no appeal of the hearing officer's determination that the employer did not waive its right to contest the compensability of the claimed injury.

DECISION

The hearing officer's decision is affirmed.

The parties stipulated that the employer's workers' compensation insurance carrier accepted the claimant's claimed injury. The employer disputed the compensability of the claimed injury. The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10). Conflicting evidence was presented at the CCH on the appealed issue of whether the claimant sustained a compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer determined that the claimant was credible in the presentation of his claim. Although there is conflicting evidence in this case, we conclude that the appealed findings and determination of the hearing officer are supported by the claimant's testimony and by the reports of the claimant's doctors. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Roy L. Warren  
Appeals Judge